

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ORLANDO RIVERA,

Plaintiff,

-against-

DEPUTY OF SECURITY: E. RAMOS, CAPTAIN  
SIMPSON #1450, CORRECTION OFFICER MUNDY  
#9322,

Defendants.

ANALISA TORRES, District Judge:

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13 Civ. 7785 (AT) (DF)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

On October 30, 2013, Plaintiff, Orlando Rivera, commenced this action under 42 U.S.C. § 1983. Compl., ECF No. 2. Specifically, Plaintiff claims that officers at the Otis Bantum Correctional Center on Rikers Island were deliberately indifferent to his medical needs and subjected him to excessive force. *Id.* On February 18, 2014, the Court referred the matter to Honorable Debra C. Freeman for general pretrial purposes. Feb. 18, 2014 Order, ECF No. 11.


After careful consideration, Magistrate Judge Freeman issued a Report and Recommendation (“R & R”), proposing that the case be stayed until October 15, 2015 “to give Plaintiff a final opportunity to return to Court to litigate his claims.” R & R at 2, ECF No. 34. In addition, Magistrate Judge Freeman recommends “that the Court proceed to dismiss the case without prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, if by October 15, Plaintiff has still made no contact with either Defendants’ counsel or the Court.” *Id.*

Despite notification of the right to object to the R & R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R & R for clear error. *Dunham v. City of New York*, No. 11 Civ 1223, 2013 WL 929029, at \*1 (S.D.N.Y. Mar. 11, 2013). The Court finds no clear error. Accordingly, the Court ADOPTS Magistrate Judge Freeman’s R & R in its entirety. Dismissal of this action shall be held in abeyance until October 15, 2015. *See* R & R at 13.

The Clerk of Court is directed to mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: May 4, 2015  
New York, New York

  
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ANALISA TORRES  
United States District Judge